THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.21173 of 2006

Date: 11th October, 2006

Between

Nagabandi Mahabaleshwar

..Petitioner

And

Warangal Municipal Corporation
At Warangal rep. by its Commissioner
And 2 others ..
Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.21173 of 2006

ORDER:-

1. The matter is coming up to *admission.*

2. The Counsel representing the parties are heard.

3. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in trying to demolish the petitioner house bearing No.8/125 (old) 8-2-109 (new), Chowrastha, Warangal, without issuing any notice or without initiating any proceedings either under Land Acquisition Act or any other Act, is being illegal, arbitrary and unconstitutional, besides violative of procedure established under law and violative of Procedure as contemplated under Section 146 and 147 of

the Hyderabad Municipal Corporation Act and to pass such other suitable orders.

4. It is stated that the petitioner inherited the property and permission was accorded for construction of the building. It is also stated that the respondents made marking over the property on 23-9-2006 and on 28-9-2006 the respondents had partly demolished the door. Several factual details also had been narrated in the affidavit filed in support of the Writ Petition. The main grievance of the petitioner is that without following due process of law, either by issuing notices or by initiating land acquisition proceedings, the respondents are further proceeding with the demolition activity. It is needless to say that the respondents are bound to follow the due process of law as contemplated by the provisions of Hyderabad Municipal Corporation Act and the Land Acquisition Act as well, and unless and until the respondents follow due process of law, they cannot be permitted to proceed with the further demolition activity. In view of the same, the Writ Petition is disposed of directing the respondents to follow due process of law before taking up demolition activity relating to the subject matter of the Writ Petition. No order as to costs.

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Justice P.S.Narayana

11th October, 2006

Note: Order copy by wire at party's costs

(B/o.smr)